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(A16Y5)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11,
2001

03 MDL 1570 (RCC)

ECF Case

This document relates to:

Federal Insurance Co., et al. v. al Qaida, et al.
03 CV 6978 (RCC)

Thomas Burnett, et al. v. Al Baraka Investment
& Development Corp, et al.
02 CV 9849 (RCC)

PROPOSED ORDER OF SUBSTITUTION OF COUNSEL

Sheppard Mullin Richter & Hampton LLP shall be and hereby is substituted for White &
Case LLP as counsel for defendants DMI Administrative Services, S.A. and Islamic Investment
Company of the Gulf (Sharjah).

Dated: March __, 2005.

May 16

SO ORDERED:

Richard C. Casey

THE HONORABLE RICHARD C. CASEY, U.S.D.J.

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& Development Corp, et al.
02 CV 9849 (RCC)

**AFFIDAVIT OF JAMES J. MCGUIRE
IN SUPPORT OF APPLICATION TO CHANGE
COUNSEL PURSUANT TO LOCAL CIVIL RULE 1.4**

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss:

JAMES J. MCGUIRE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and makes this affidavit in support of the application of defendant DMI Administrative Services, S.A. ("DMI S.A."), pursuant to Rule 1.4 of the Local Rules, to substitute my Firm, Sheppard Mullin Richter & Hampton LLP, as counsel of record for DMI S.A. in *Federal Insurance Co., et al. v. al Qaida, et al.* 03 CV 6978 (RCC) (the "Federal Action") and *Thomas Burnett, et al. v. Al Baraka Investment & Development Corp, et al.* 02 CV 9849 (RCC) (the "Burnett Action") and replace outgoing counsel, White & Case LLP.

2. I also make this affidavit in support of defendant Islamic Investment Company of the Gulf (Sharjah) ("IICGS") the application of, pursuant to Rule 1.4 of the Local

Rules, to substitute my Firm, Sheppard Mullin Richter & Hampton LLP, as counsel of record for IICGS in the *Federal* Action and replace outgoing counsel, White & Case LLP.

3. The status is as follows with respect to DMI S.A.:

- (a) A Motion to Dismiss the *Burnett* Action was submitted to the Court on April 9, 2004;
- (b) Plaintiffs filed an Opposition to DMI S.A.'s Motion to Dismiss the *Burnett* Action on June 4, 2004;
- (c) A Reply Memorandum in support of DMI S.A.'s Motion to Dismiss the *Burnett* Action was submitted to the Court on June 18, 2004;
- (d) DMI S.A. entered into a Stipulation in the *Federal* Action regarding service of process issues and motion scheduling on July 27, 2004 and September 8, 2004.
- (e) A Motion to Dismiss the *Federal* Action was submitted to the Court on October 15, 2004;
- (f) Plaintiffs filed an Opposition to DMI S.A.'s Motion to Dismiss the *Federal* Action on December 14, 2004; and
- (g) A Reply Memorandum in support of DMI S.A.'s Motion to Dismiss the *Federal* Action was submitted to the Court on January 4, 2005.

4. The status is as follows with respect to IICGS:

- (a) IICGS entered into a Stipulation in the *Federal* Action regarding service of process issues and motion scheduling on July 27, 2004 and September 8, 2004.
- (b) A Motion to Dismiss the *Federal* Action was submitted to the Court on October 8, 2004;
- (c) Plaintiffs filed an Opposition to IICGS's Motion to Dismiss the *Federal* Action on December 7, 2004; and
- (d) A Reply Memorandum in support of IICGS's Motion to Dismiss the *Federal* Action was submitted to the Court on December 21, 2004.

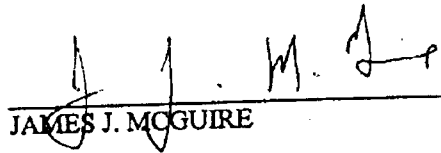
5. No trial date has yet been set in this matter.

6. It is not anticipated that the proposed substitution of counsel will delay the progress of this case.

7. Attached hereto as Exhibit A is a consent and stipulation to substitute attorneys in both the *Burnett* Action and the *Federal* Action, entered into and signed by Sheppard Mullin Richter & Hampton LLP, White & Case LLP, and DMI Administrative Services, S.A.

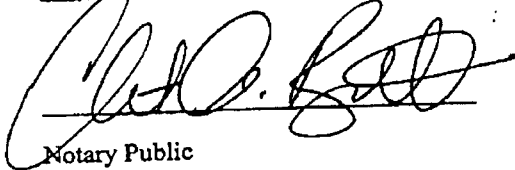
8. Attached hereto as Exhibit B is a consent and stipulation to substitute attorneys in the *Federal* Action, entered into and signed by Sheppard Mullin Richter & Hampton LLP, White & Case LLP, and Islamic Investment Company of the Gulf (Sharjah).

Accordingly, we respectfully request that the proposed substitution of counsel be approved.


JAMES J. MCGUIRE

Sworn to before me this

14th day of March, 2005


Notary Public

CHRISTINA ANN BENNETT
NOTARY PUBLIC, State of New York
No. 01BE8040323
Qualified in Queens County
Commission Expires April 17, 2008

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Terrorist Attacks on September 11, 2001	Case No. 03 MD 1570, filed in Associated Cases: 1:03-cv-09849-RCC and 1:03-cv-6978-RCC
SUBSTITUTION OF ATTORNEY	

_____ DMI Administrative Services, S.A. _____ ☐ Plaintiff ☒ Defendant ☐ Other _____
(Name of Party)

hereby substitutes _____ James J. McGuire, Timothy J. McCarthy, Mark A. Berube _____
who is ☒ Retained Counsel ☐ Court Appointed Counsel ☐ Pro Per

of Sheppard, Mullin, Richter & Hampton, LLP
30 Rockefeller Plaza, Suite 2400
New York, New York 10112
Telephone: 212-332-3800, Facsimile: 212-332-3888,

as attorney of record in the place and stead of _____ White & Case LLP
(Name of Present Attorney)
Dated: 1/2/2005, 2005 _____
Signature of Party

I consent to the above substitution.

Dated: February 24, 2005 _____
Signature of Present Attorney

I am duly admitted to practice in this District and consent to the above substitution.

Dated: 2/15, 2005 _____
Signature of New Attorney

Substitution of Attorney is hereby ☐ APPROVED. ☐ DENIED.

Dated: _____, 2004 _____
United States District Judge / Magistrate Judge

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Federal Insurance Co., et al., <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> Al Qaida, et al., <p style="text-align: center;">Defendant.</p>	Case No. 03 CV 6978 (RCC) <p style="text-align: center;">SUBSTITUTION OF ATTORNEY</p>
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_____ Islamic Investment Company of the Gulf (Sharjah) _____ ☐ Plaintiff ☒ Defendant ☐ Other _____
(Name of Party)

hereby substitutes _____ James J. McGuire, Timothy J. McCarthy, Mark A. Berube _____
 who is ☒ Retained Counsel ☐ Court Appointed Counsel ☐ Pro Per

of Sheppard, Mullin, Richter & Hampton, LLP
 30 Rockefeller Plaza, Suite 4250
 New York, New York 10112
 Telephone: 212-332-3800, Facsimile: 212-332-3888,

as attorney of record in the place and stead of _____ White & Case LLP
(Name of Present Attorney)

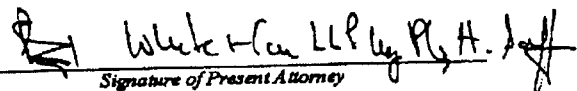
Dated: 1/2/05, 2005



Signature of Party

I consent to the above substitution.

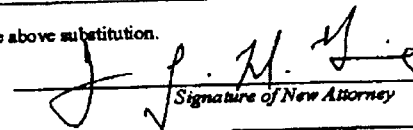
Dated: February 24, 2005



Signature of Present Attorney

I am duly admitted to practice in this District and consent to the above substitution.

Dated: 2/15, 2005



Signature of New Attorney

Substitution of Attorney is hereby ☐ APPROVED. ☐ DENIED.

Dated: _____, 2004

 United States District Judge / Magistrate Judge